



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tommy F. BROOKEY §
Serial No.: 09/855,932 § Group Art Unit: 1712
Filed: May 15, 2001 §
For: APHRON-CONTAINING §
WELL DRILLING AND §
SERVICING FLUIDS §

COPY OF PAPERS
ORIGINALY FILED
#8
7/19/02
12

RESPONSE TO OFFICE ACTION DATED MAY 28, 2002

Attorney Dkt. No.: 1894-00733

Date: June 19, 2002

Commissioner for Patents
Washington, D. C. 20231

Sir:

The Applicant acknowledges receipt of the Office Action dated May 28, 2002, in which the Examiner rejected claims 1-21. These are the only claims pending in the application. The Applicant requests that the Examiner reconsider the application in light of this response.

REMARKS

In response to the Office Action dated *February 14, 2002*, Applicant submitted a terminal disclaimer that was executed by the undersigned. The current Office Action states that the terminal disclaimer was improper because the undersigned did not have power of attorney. In response, a power of attorney listing the undersigned is attached.

Additionally, based on obviousness-type double patenting, the Examiner rejected claims 1-21 over commonly owned U.S. Patent No. 5,881,826. In response, another terminal disclaimer with respect to the '826 patent is enclosed. Also enclosed are two assignment contracts. As shown by the assignments, the present application and U.S. Patent No. 5,881,826 are commonly owned by MASI Technologies, L.L.C.

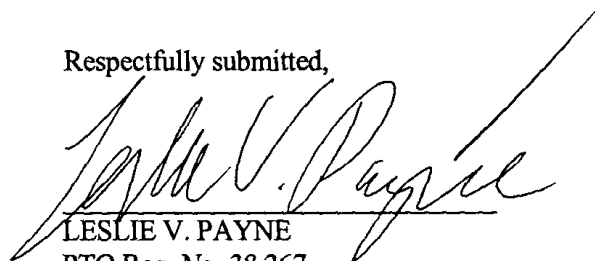
RECEIVED
JUL 16 2002
TC 1700

With the filing of the terminal disclaimer, all claims are believed to be in condition for allowance. With respect to the previous terminal disclaimer which was filed on March 3, 2002, the Commissioner was authorized to charge Deposit Account No. 03-2769. Applicant requests that the previous terminal disclaimer charge be applied to the new terminal disclaimer submitted herewith. In light of this request, Applicant believes no fee is due for the submission of the terminal disclaimer being filed with this Response. Please charge any extra fees or credit any overpayments to Deposit Account No. 03-2769.

CONCLUSION

For the reasons stated above, all claims are in condition for allowance and such favorable action is respectfully requested. If the Examiner has any questions or comments or otherwise feels it would be helpful, he is encouraged to telephone the undersigned at (713) 238-8044.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leslie V. Payne", is written over a horizontal line.

LESLIE V. PAYNE
PTO Reg. No. 38,267
CONLEY, ROSE & TAYON
P.O. Box 3267
Houston, TX 77253-3267
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANT(S)